

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Ivan Luna

PRINCIPAL

United States District Court
Southern District of Texas
FILED

Case Number:

A206 477 272

YOB:

1983

M-14-0114-M

JAN 20 2014

Clerk of Court

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 19, 2014 in Hidalgo County, in the Southern District of Texas defendants(s) did, (Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Juan Edgar Escobedo-Garcia, Esperanza Montes De Oca-Chavez, and Manuel Garcia-Palafox, citizens of the United Mexican States, for a total of three (3), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Mission, Texas to the point of arrest near Mission, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On January 19, 2014, at approximately 6:00 PM, McAllen Marine Agents, observed a white and blue boat travel upriver from their location with four subjects onboard. The driver of the boat, later identified as Ivan LUNA, was observed wearing a white t-shirt. After a few minutes, the same vessel was observed heading back downriver towards the Cavazos Campground in Mission, Texas. There were now seven subjects onboard.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Derek Conrow

Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

January 20, 2014

Date

at McAllen, Texas

City and State

Dorina Ramos

, U. S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-14-0114-M

RE: Ivan Luna

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CONTINUATION

Marine Agents followed the boat as it headed towards the Cavazos Campground. LUNA was handling the vessel very erratically, constantly moving from the United States side of the river to the Mexican side of the river. On LUNA's fourth attempt to dock the boat, three of the subjects on board jumped off the boat in an attempt to abscond. Agents were already in place however, and were able to detain them for an immigration inspection.

The three subjects that jumped off the boat all claimed to have illegally crossed the Rio Grande River by way of the boat that they were on. LUNA claimed to be a United States Citizen. The other three passengers on the boat were LUNA's children. All subjects were transported to the McAllen, Texas Border Patrol Station for processing regarding their involvement in alien smuggling.

PRINCIPAL STATEMENT:

Once at the station, Ivan LUNA was read his rights. He stated that he understood his rights, and that he was willing to answer questions and give a sworn statement without the presence of a lawyer.

LUNA stated that he did not know the people that were onboard his boat were illegal. He stated that he picked them up near his brother's cabin on the river.

MATERIAL WITNESS STATEMENTS:

Once at the station, all material witnesses were read their rights. All responded that they understood their rights and were willing to answer questions and provide statements without the presence of an attorney.

Juan Edgar Escobedo-Garcia stated that he and two others entered the United States illegally by crossing the Rio Grande River on a white boat that picked them up. He stated that the smuggler in Mexico told him that they were going to wait for a boat, and when it arrived, the smuggler told him to board the vessel. Escobedo stated that he was in the back of the boat, but was able to identify LUNA in a photo lineup as the driver of the boat that he boarded.

Esperanza Montes De Oca-Chavez stated that she paid \$2000 to be smuggled into the United States. She stated that arrangements were made with a female in Mexico. The same female accompanied her to the river's edge and told her to get in the boat when it arrived. Montes De Oca stated that she was told by LUNA to sit in the front of the boat. She was able to identify LUNA in a photo lineup as the captain of the boat that she boarded.

Manuel Garcia Palafox stated that his cousins made arrangements for him to be smuggled into the United States. He said that he paid \$300 and his cousins were to pay the balance. He stated that the smuggler told him that a boat would arrive on the Mexican side of the Rio Grande River and pick him up. When the boat arrived he was told to board by the smuggler in Mexico. Garcia was able to identify LUNA in a photo lineup as the driver of the vessel he boarded.